

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MATTHEW BURGHARDT, as guardian of
Matthew B. Burghardt,

Plaintiff,

-vs-

EZEKIEL RYAN, et al.,

Defendants.

Case No. 5:19-CV-00325

Judge Sara Lioi

CHRISTIAN BEARD,

Plaintiff,

-vs-

EZEKIEL RYAN, et al.,

Defendants.

Case No. 5:19-CV-02788

Judge Sara Lioi

JOINT MOTION REQUESTING STATUS CONFERENCE

This case stems from a February 13, 2018 shooting incident in which police officers Ezekial Ryan and Kristopher London discharged their weapons at a motor vehicle occupied by Matthew B. Burghardt and Christian Beard.

On February 12, 2019, Matthew Burghardt, as Guardian of Matthew B. Burghardt, filed suit against London and Ryan in *Burghardt v. Ryan, et al.*, Case No. 5:19-CV-00325 (“referred to hereafter as the “*Burghardt* case”), alleging civil rights violations and other claims.

On November 26, 2019, Christian Beard filed a separate complaint (referred to hereafter as the “*Beard* case”) against Defendants Ryan and London stemming from the same February 13, 2018 incident. *Christian Beard v. Ezekial Ryan, et al.*, Case No. 5:19-CV-02788 was filed in the

U.S. District Court, Northern District of Ohio Eastern Division, and initially assigned to the Honorable John R. Adams. The case has since been transferred to the Honorable Sara Lioi.

The *Burghardt* case and the *Beard* case involve the exact same incident, the same Defendants, the same facts, the same witnesses, and same allegations and legal claims. The parties have filed a joint motion to consolidate these cases. (*See* Motion to Consolidate, Dkt. 20.)

Due to Beard's recent filing and the parties' request for consolidation, the parties agree that the case management schedule should be adjusted to provide additional time for discovery. Therefore, Plaintiff Burghardt, Plaintiff Beard, and Defendants Ezekiel Ryan and Kristopher London (collectively, "the parties") jointly request that this Court schedule a status conference to discuss (1) the consolidation of the *Beard* case with this *Burghardt* case, and (2) setting new case management deadlines to accommodate for Beard's joinder to this case.

Respectfully submitted,

/s/ Jacqueline Greene

Jacqueline Greene (0092733)
Sarah Gelsomino (0084340)
Terry Gilbert (0021948)
Friedman & Gilbert
55 Public Square, Suite 1055
Cleveland, OH 44113
Telephone: (216) 621-0427
Facsimile: (216) 241-1430
Email: jgreene@f-glaw.com
sgelsomino@f-glaw.com
tgilbert@f-glaw.com

Attorneys for Plaintiff Matthew Burghardt

/s/ Andrea L. Whitaker (per e-mail consent)

Andrea L. Whitaker, Esq.
54 E. Mill Street, Suite 301
Akron, OH 44308
Email: whitaker@whitakerlawlpa.com

/s/ Kenneth A. Calderone (per e-mail consent)

Kenneth A. Calderone (0046860)
Anne M. Markowski (0069705)
Hanna, Campbell & Powell, LLP
3737 Embassy Parkway, Suite 100
Akron, OH 44333
Telephone: (330) 670-7324 / (330) 670-7601
Facsimile: (330) 670-7440 / (330) 670-7456
Email: kcalderone@hcplaw.net
amarkowski@hcplaw.net

Attorneys for Defendant Ezekiel Ryan

/s/ Gregory A. Beck (per e-mail consent)

Gregory A. Beck (0018260)
Mel Lute, Jr. (0046752)
Baker, Dublikar, Beck, Wiley & Mathews
400 South Main Street

Attorney for Plaintiff Christian Beard

North Canton, OH 44720
Telephone: (330) 499-6000
Facsimile: (330) 499-6423
Email: beck@bakerfirm.com
lute@bakerfirm.com

Attorneys for Defendant Kristofer London

CERTIFICATE OF SERVICE

This document was filed on December 16, 2019, using the court's CM/ECF system, which will send notification of such filing to all parties. Parties may access this document through the Court's electronic filing system. Copies of this filing were mailed to the parties not on the Court's electronic filing system.

/s/ Jacqueline Greene
JACQUELINE GREENE
One of the Attorneys for Plaintiff Burghardt